

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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| UNITED STATES OF AMERICA, |) | |
| |) | Case No. 2:12-cv-01282-JLR |
| Plaintiff, |) | |
| |) | DECLARATION OF |
| v. |) | MICHELLE CHEN |
| |) | |
| CITY OF SEATTLE, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

I, MICHELLE CHEN, being familiar with the facts set forth herein based on my personal knowledge, and being competent to testify, hereby declare under penalty of perjury that the following is true and correct:

1. I am an Assistant City Attorney and Legal Counsel to the Office of the Mayor.
2. In response to the Court's May 15th ruling and May 21st written order, the parties met in late May to discuss the possibility of the City engaging nationally recognized subject matter experts from 21CP Solutions, Inc. ("21CP") to conduct the assessment of the accountability system ordered by the Court.
3. On June 19, the Mayor and City Attorney met with the Co-chairs of CPC and its interim Executive Director to discuss a collaborative approach for working together on a range of issues. At this meeting, the Mayor also discussed the City's approach to respond to the Court order by engaging national subject matter experts from 21CP to conduct a data-driven systemic assessment of the present accountability system and asked for their input.

- 1 4. The Mayor also spoke to the Monitor and met separately with City Attorney, DOJ,
2 OPA, OIG and SPD in mid-June, before inviting 21CP to make a site visit to Seattle.
- 3 5. During their first site visit to Seattle on June 26-27, the 21CP experts set out to learn
4 about the Court's order and engage with City stakeholders. They met with
5 representatives of the CPC on June 27 and asked for their thoughts on the Court's May
6 21st Order and an approach to a proposed methodology. They also met with and sought
7 input from City Attorney, DOJ, SPD, OPA, and OIG.
- 8 6. As a result of input from the Monitor and community stakeholders, the City added an
9 additional member to the 21CP team, - Walter Katz, of Benchmark Analytics - to
10 ensure a balanced perspective that was especially strong on civilian oversight and
11 accountability.
- 12 7. On July 3, the 21CP team held a telephone conference with the Monitor to discuss
13 his view of the issues facing the City, his view of the Court's order, and a
14 methodology for conducting an accountability assessment.
- 15 8. On July 17, the experts attended a meeting of the CPC full commission to describe
16 their qualifications, vision for the methodology, request CPC's input on the
17 methodology, and answer questions. They also met with other community
18 organizations, including One America, ACLU, Northwest Immigrant Rights Project,
19 Faith Action Network, Not This Time and others. These meetings raised difficult
20 issues; community members expressed frustration that the Accountability Ordinance
21 was not fully implemented as part of the Seattle Police Officers Guild CBA. Many
22 community members also criticized the decision to bring in outside consultants and
23 disagreed with the City's interpretation of the Court's order to do an assessment of
the present accountability system. However, there were several community members
who expressed support for doing an assessment of the present accountability system
and believed that the information learned from the assessment would be valuable.
21CP experts described the potential advantages of an objective, independent
analysis and how it can provide a fresh perspective and bring in new ideas that people
closely invested in the issues do not see.
9. 21CP also met with the MLK Labor Council, which included a representative from
the Seattle Police Officers Guild and one from the Seattle Police Management
Association on July 17.
10. On July 18, 21CP led a half-day work session to discuss the proposed methodology
with participants from the Mayor's Office, City Attorney's Office, SPD, Monitor, CPC,
OPA, OIG, and DOJ. A follow-up telephone conference was held on July 23rd with the
work session participants.

11. Leading up to the release of the draft methodology, the City conducted outreach to CPC and other community members. The Mayor and Police Chief met with representatives of community organizations, including Not This Time, Northwest Immigrant Rights Project, El Centro de la Raza, Equal Rights Washington, NAACP, Chinatown/ID, and OneAmerica on July 26 to discuss and receive feedback on the City's proposed assessment of the accountability system in response to the Court's order. In addition to other important feedback received at these meetings, many of the participants communicated that they wanted the wholesale implementation of the Accountability Ordinance and that they believed the assessment would add further delay.
12. Based on the Court's oral and written rulings and based on discussions and input received in June and July, 21CP developed a draft methodology which the City circulated to the work session participants and City Council on July 29, 2019. The City requested comments and feedback on the draft methodology by August 7, 2019.
13. Additional conversations and engagement included a third site visit from Ron Davis of 21CP on August 5-7. Mr. Davis met with Councilmember M. Lorena González and attended community meetings with the Chief Seattle Club, Chinatown/ID Public Safety committee, and African American Advisory Council convened by the Seattle Department of Neighborhoods and Mayor's Office. Some of these meetings involved discussions about specific negative interactions with police, as well as certain aspects of the methodology, including how cities were chosen and whether it had the appropriate racial equity considerations. Mr. Davis also offered office hours for CPC commissioners and community members to meet to discuss the draft methodology and provide feedback. He also attended the CPC full commission meeting on August 7 for purposes of explaining the draft methodology and seeking feedback.
14. The Mayor also spoke to the Monitor and met with the Inspector General and OPA Director soliciting input on the draft methodology several times during this period.
15. Throughout this process, the City received feedback through multiple avenues, including written, one-one meetings, community meetings, work session, conference from all of the work session participants, several members of the City Council, and community members.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 15th day of August, 2019 at Seattle, King County, Washington.


MICHELLE CHEN

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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|----------------------|--|
| Brian T. Moran | Brian.Moran@usdoj.gov |
| Christina Fogg | Christina.Fogg@usdoj.gov |
| Matt Waldrop | james.waldrop@usdoj.gov |
| Gregory Colin Narver | gregory.narver@seattle.gov |
| Kerry Jane Keefe | kerry.keefe@usdoj.gov |
| Peter Samuel Holmes | peter.holmes@seattle.gov |
| Jeff Murray | jeff.murray@usdoj.gov |
| Ronald R. Ward | Ron@wardsmithlaw.com |
| Timothy D. Mygatt | timothy.mygatt@usdoj.gov |
| Gary T. Smith | gary.smith@seattle.gov |
| Hillary H. McClure | hillarym@vjmlaw.com |
| Kristina M. Detwiler | kdetwiler@unionattorneysnw.com |
| David A. Perez | dperez@perkinscoie.com |
| Anna Thompson | annathompson@perkinscoie.com |
| Merrick Bobb | mbobb@pacbell.net |
| Bruce E.H. Johnson | brucejohnson@dwt.com |
| Eric M. Stahl | ericstahl@dwt.com |

DATED this 15th day of August, 2019, at Seattle, King County, Washington.

s/ Kerala T. Cowart
Kerala T. Cowart, WSBA #53649
Assistant City Attorney
E-mail: kerala.cowart@seattle.gov